

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GAIA ETHNOBOTANICAL, LLC,
 Plaintiff(s),
 v.
 T1 PAYMENTS LLC, et al.,
 Defendant(s).

Case No. 2:22-cv-01046-CDS-NJK

Order

[Docket No. 31]

Pending before the Court is a discovery plan filed by Plaintiff and Defendant T1 Payments. Docket No. 31. Defendant Payvision did not join in that discovery plan, contending that it is not required to do so in light of its pending motion to dismiss. Docket No. 31 at 2; Docket No. 31-1. “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011); *see also Hologram USA, Inc. v. Pulse Evolution Corp.*, 2015 WL 1600768, at *1 (D. Nev. Apr. 8, 2015) (same in the context of a motion to dismiss for lack of personal jurisdiction). Defendant Payvision has not filed a motion to stay discovery and has not been excused by the Court from complying with case management deadlines, including the deadlines related to participating in and filing a joint discovery plan.¹

Accordingly, the pending discovery plan is **DENIED** without prejudice. An amended discovery plan joined by all parties must be filed by September 20, 2022. Unless it has sought and

¹ The discovery plan also references that Defendant T1 Payments “believes that it should not engage in any discovery until [the pending dispositive] motions are decided,” or that discovery should be limited in light of the pendency of those motions. Docket No. 31 at 3. Defendant T1 Payments has not filed a motion seeking to stay or limit discovery, however.

1 obtained relief from participating in the discovery plan before that date, Defendant Payvision must
2 comply with its obligations in participating in the formulation and filing of that discovery plan.

3 IT IS SO ORDERED.

4 Dated: September 13, 2022

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Nancy J. Koppe
United States Magistrate Judge
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